

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

JEA

St. Johns River Power Park – Units 1 & 2

PA 81-13P

Date XXXXXXXXXX, 2011

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SECTION A: GENERAL CONDITIONS

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.) this certification is issued to JEA as owner/operator of the St. Johns River Power Park and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions), JEA will operate an approximate 1360 MW facility consisting of two fossil fuel-fired steam generating units. These units are located on a 1656 -acre site which is located in Duval County, Florida. UTM coordinates are: Zone (17); {446.90} km East; {3359.15} km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing Certified Facilities.

B. The Certified Facility includes but is not limited to the following major associated facilities;

- Turbine Generators
- Boiler
- Flue-Gas Desulfurization Facilities
- Coal Handling Facilities (ocean vessel coal unloading wharf, stacker-reclaimer and coal storage pile, railcar loading area, emergency coal stackout, runoff holding)
- Scrubber Waste and ash disposal areas
- Five (5) 230 kV transmission lines exiting from plant: plant to Center Park Substation plant to Fort Caroline Substation plant to Mount Pleasant Substation plant to Normandy Substation and Plant to Westlake Substation

C. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the Certified Facility. If a conflict should occur between the design criteria of this Certified Facility and the Conditions, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions, the more specific condition governs.

D. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S. including on-site associated facilities, but excluding off-site associated facilities, Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the Site. The survey and aerial photograph shall be identified as 'Site Delineation' and attached hereto as part of Attachment A.

The Licensee shall notify the Department of any change to the Site boundary depicted in the Site Delineation in Attachment A. The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the Site for review by the Department. Absent the above description/delineation of the Site, the Department will consider the perimeter fence line of the property on which the electrical power plant's generating facility and on-site associated facilities are located to be the boundaries of the Site.

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E. If both certified and uncertified facilities lie within the boundaries of the Site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the electrical power plant and on-site associated facilities, but excluding off-site associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas within the Site; and an aerial photograph delineating the boundaries of the certified areas within the Site. The boundaries of the Certified Areas of the Site shall include the electrical power plant's certified generating facilities and the on-site "associated facilities" (including on-site linear facilities) as defined by Section 403.503(7), F.S. The survey and the aerial photograph shall be known as "Delineation of the Certified Area" of the Site and attached hereto as part of Attachment A.

F. Within 180 days after completion of construction of associated off-site (linear and non-linear) facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide: an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the certified area(s), following acquisition of all necessary property interests and the corridor narrowing as described in section 403.503(11), F.S., which shall be known as 'Delineation of Off-Site Facilities' and attached as part of Attachment A.

Following any post-certification approvals that require a change to the boundaries of the certified area(s) depicted in Delineation of Off-Site Facilities in Attachment A, the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

[Sections 403.511, F.S.; subsection 62-17.205(2), F.A.C.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation, and maintenance of the Certified Facilities shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code (F.A.C.), including, but not limited to, the applicable non-procedural portions of the following rules, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to the Conditions, or as otherwise provided under the PPSA. Should any of these regulations or portions thereof be repealed or otherwise eliminated, they will not be considered applicable.

Florida Administrative Codes:

- 18-21 (Sovereign Submerged Lands Management)
- 62-4 (Permits)
- 62-17 (Electrical Power Plant Siting)
- 62-25 (Regulations of Stormwater Discharge)
- 62-40 (Water Resource Implementation Rule)
- 62-150 (Hazardous Substance Release Notification)
- 62-160 (Quality Assurance)
- 62-204 (Air Pollution Control-General Provisions)
- 62-210 (Stationary Sources-General Requirements)
- 62-212 (Stationary Sources-Preconstruction Review)
- 62-213 (Operation Permits for Major Sources of Air Pollution)
- 62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)

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62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-341 (Noticed General Environmental Resources Permits)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Ground Water Classes, Standards and Exemptions)
62-522 (Ground Water Permitting and Monitoring Requirements)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
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62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

For Facilities in the St. Johns River Water Management District:

40C-8 (Minimum Flows and Levels)

SECTION A: GENERAL CONDITIONS

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the certification under the PPSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

B. Upon written notification to the Department, the Licensee may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

[Section 403.511(5)(a) and (b), F.S.; subsection 62-4.160(10), F.A.C.]

IV. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning. As used herein, the following shall apply:

A. “Application” means the documents required by the Department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the Department for additional data and information. For purposes of this license, the site certification application shall also include materials submitted for post certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. “Associated Facilities” is defined by Section 403.503(7), F.S.

C. “Certified Area” means the area within the Site in which the certified facilities are located. For off-site associated facilities, this shall mean the area within which the certified off-site associated facility is located. For linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for the ROWs have been acquired by the Licensee, after which time the “Certified Area” will include only the area within the final ROWs in accordance with Section 403.503(11), F.S.

D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all on- or off-site associated linear and non-linear facilities, as identified in Section A, Scope, including but not limited to: steam generating units, transformers, transmission lines, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures.

E. “Complete” means the post-certification filing provides the data required by the relevant Condition of Certification.

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- F. “DEP” or “Department” means the Florida Department of Environmental Protection.
- G. “DHR” means the Florida Department of State, Division of Historical Resources.
- H. “DOT” means the Florida Department of Transportation.
- I. “Emergency conditions” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.
- J. “Practicable” means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- K. “FWC” means the Florida Fish and Wildlife Conservation Commission.
- L. “Licensee” means JEA which has obtained a certification order for the Certified Facilities.
- M. “NED” shall mean the DEP Northeast District Office.
- N. “NPDES permit” means a federal National Pollutant Discharge Permit System permit issued by DEP in accordance with the federal Clean Water Act.
- O. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.
- P. “PSD permit” means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.
- Q. “NEFRPC” means the Northeast Florida Regional Planning Council.
- R. “ROW” means the right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification and as defined in section 403.5039 (27), F.S.
- S. “Site” means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.
- T. “Surface Water Management System” or “System” means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms “surface water management system” or “system” include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.
- U. SJRWMD means the St. Johns River Water Management District.
- V. “State water quality standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C.
- W. “Title V permit” means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

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X. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

[Section 403.511, F.S.]

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following permits shall be conditions of this certification to the extent the substantive provisions of those permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable substantive provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

A. Air

1. Air Construction Permit(s)

Air Construction Permits PSD-FL-010A, PSD-FL-010B, PSD-FL-010C, 0310045-014-AC, 0310045-015-AC, 0310045-017, 0310045-021-AC, 0310045-024-AC, 0310045-025-AC, 0310045-029-AC are incorporated by reference herein as part of these Conditions and attached as Appendix I.

[Chapter 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.]

2. Title V Permit

Title V Air Operation Permit 0310045-028-AV is incorporated by reference herein as part of these Conditions and attached as Appendix II.

[Rule 62-213, F.A.C.]

B. Water

1. NPDES Industrial Wastewater Discharge

Any discharges during operation shall be in accordance with all applicable provisions of NPDES Permit Number FL0037869 (attached as Appendix III) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-620, F.A.C.]

2. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)

Any storm water discharges associated with construction activities on the Site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

3. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal

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separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP) shall be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

4. NPDES Generic Permit for Discharge of Produced Ground Water from any Non-Contaminated Site Activity

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

5. NPDES Generic Permit for Discharges from Concrete Batch Plants

Prior to discharges from concrete batch plants which meet the criteria specified in DEP Document 62-621.300(3)(a), (excluding Part III when using any new batch plants and excluding Part II when using any existing batch plants) the Licensee must first obtain coverage under the Generic Permit for Discharges from Concrete Batch Plants. This generic permit also constitutes authorization to construct and operate closed-loop recycling vehicle/equipment washing facilities at concrete batch plants. New and existing concrete batch plants which do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C. DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the Application or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application or as explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Section 403.516, and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the Certified Facilities.

[Sections 403.511 (2)(a) and 403.516, F.S.; Rules 62-4.160(2) and 62-17.211, F.A.C.]

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this certification, the Licensee shall immediately provide the NED and the SCO with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

Unless otherwise requested, all notifications which are made in writing shall additionally be immediately provided to the Siting Office via email to SCO@dep.state.fl.us.

[subsection 62-4.160(8), F.A.C.]

B. The Licensee shall promptly notify the Department in writing of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

[subsection 62-4.160(15), F.A.C.]

VIII. CONSTRUCTION PRACTICES

A. Local Building Codes

This license shall not affect in any way the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

[Section 403.511(4), F.S.]

B. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Services, in accordance with the non-procedural requirements of Chapters 62-256 and 5I-2, F.A.C.

[Chapters 5I-2 and 62-256, F.A.C.]

C. Wells

Any existing wells in the path of construction of the non-linear Certified Facilities that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(4), F.A.C., or with the rules of the authorizing agency, unless these Conditions provide otherwise.

[Rule 62-532.440 and subsection 62-532.500(4), F.A.C.]

D. Abandonment of Existing Septic Tanks

Any existing septic tanks in the path of construction of non-linear Certified Facilities that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C., unless these Conditions provide otherwise.

[Chapter 64E-6, F.A.C.]

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E. Existing Underground Utilities

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. Tickets numbers shall be available for request until construction has been completed in the affected area.

[Chapter 556, F.S.]

IX. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of a Certified Facility:

1. At reasonable times, to enter upon the Certified Facility in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or

2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the SCA or in any report to the Department or other agencies, such facts or information shall be promptly corrected and submitted.

[paragraph 62-4.160(7)(a) and subsection 62-4.160(15), F.A.C.]

X. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement between either the Department and the Licensee, or the Department and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the Department shall act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved in this initial informal meeting, Licensee may request a second informal meeting in which both Licensee and the agency with substantive regulatory jurisdiction over the matter at issue can participate in an attempt to resolve the issue. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the department shall issue a Final Order

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approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If DEP determines, after assessment of a post-certification submittal, that compliance with the conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the conditions will not be achieved. The Licensee may proceed with those portions of the submittal which were separately assessed by the Department.

[Sections 120.57, F.S. and Rule 62-17.211, F.A.C.]

XI. SEVERABILITY

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstance is held invalid, the remainder of the certification or the application of such provision to other circumstances shall not be affected thereby.

XII. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these Conditions constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Facilities which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facilities and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Sections 403.121, 403.131, 403.141, 403.151, 403.161, and 403.514, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]

XIII. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Section 403.512, F.S., or for violations of any of these Conditions. This certification is valid only for the specific processes and operations identified within the Application, or approved in the final order of certification, indicated in the testimony in support of certification and exhibits, indicated in a post-certification submittal, or approved in a subsequent amendment or modification or certification. Any

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unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

[Sections 403.512, F.S.; subsection 62-4.160(2), F.A.C.]

XIV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., except as otherwise provided in the final order of certification or these conditions, the issuance of this certification does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This certification is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facilities which are not addressed in this certification. This certification does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facilities, or from penalties therefore.

[subsections 62-4.160(3) and 62-4.160(5), F.A.C.]

XV. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any Condition, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply. Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of the Certified Facility.

[Sections 403.141, 403.161, 403.511, F.S.]

XVI. USE OF STATE LANDS

A. Except as specifically provided in the final order of certification or these conditions, the issuance of this certification conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Certified Facility must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. Except as otherwise provided in the final order of certification or these conditions if any portion of a Certified Facility is located on sovereign submerged lands the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior

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to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of a Certified Facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is not exempt from the need to obtain a proprietary authorization. Unless otherwise provided in the final order of certification or these conditions, the Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Rules 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: “No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, F.S., until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

E. The terms, conditions, and provisions of any required lease or easement issued by the State shall be met. Any construction activity associated with the Certified Facility shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed to the satisfaction of the Department.

[Chapters 253 and 258, and Section 403.511, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]

XVII. PROCEDURAL RIGHTS

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or condition of certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

[Chapter 120, and Sections 403.511(5)(c), F.S.]

XVIII. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Where a Condition requires post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used as applicable unless the Conditions specify otherwise or unless the Licensee and the Department are notified in writing of an agency's change in address for such submittals and notices:

Florida Department of Environmental Protection
Siting Coordination Office, MS 48

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3900 Commonwealth Blvd.
Tallahassee, FL 32399-3900

Florida Department of Environmental Protection
Northeast District Office
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
Tallahassee, FL 32399-1600

Florida Department of Transportation
District Administration
605 Suwannee Street
Tallahassee, FL 32399-0450

St. Johns River Water Management District
Office of General Counsel
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256-7538

Florida Department of State
Division of Historical Resources
500 S. Bronough Street
Tallahassee, FL 32399-0250

City of Jacksonville
Environmental Quality Division
407 N. Laura Street, 3rd Floor
Jacksonville, FL 32202

[Section 403.511, F.S.]

XIX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Facilities and the construction and maintenance of the Certified Facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. Any submittal of information or determination of compliance pursuant to a post-certification submittal does not provide a point of entry for a third party.

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B. Filings

All post-certification submittals of information by Licensee are to be filed with the Siting Coordination Office, the NED, and any other agency that is entitled to receive a submittal pursuant to these Conditions. Unless otherwise requested, all filings with the Siting Coordination Office shall be submitted in electronic .pdf format only. Each submittal shall clearly identify the Certified Facility name, PA# (81-13), and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

[Section 403.5113, F.S., subsection 62-17.191(3), F.A.C.]

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency/ies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the Certified Facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas.

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

[subparagraph 62-17.191(1)(c) 2, F.A.C.]

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with these Conditions has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these COC nor to delay the timeframes for review established by these Conditions. At DEP's request, the Licensee shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

DEP shall give written notification within 90 days to the Licensee and the other agency/ies to which the post-certification information was submitted of DEP's determination whether there is demonstration of compliance with the conditions of certification. If it is determined that compliance with these Conditions has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance.

[Rule 62-17.191(1), F.A.C.]

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F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, Licensee may begin construction pursuant to the terms of these Conditions and the subsequently submitted construction details.

[Rule 62-17.191(1), F.A.C.]

G. Revisions to Design Previously Reviewed for Compliance

If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.

H. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions.

[Sections 403.511, F.S.; Rule 62-17.191 , F.A.C.]

XX. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in these Conditions where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office, in a sortable spreadsheet, via email, in the format identified below or equivalent.

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

[Section 403.5113, F.S.; Subsection 62-17.191(3), F.A.C.]

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XXI. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, a Licensee proposes any material change to the Application and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the Application to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the application requires a modification to the Conditions.

A. If the Department concludes that the change would not require a modification to the Conditions, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties.

B. If the Department concludes that the change would require a modification to the Conditions, the Department shall provide written notification to the Licensee that the proposed change to the Application requires a request for modification pursuant to Section 403.516, F.S.

[Section 403.5113, F.S.]

XXII. MODIFICATION OF CERTIFICATION

A. Pursuant to Section 403.516(1)(a), the Siting Board hereby delegates the authority to the Department to modify, after notice and opportunity for hearing any conditions pertaining to consumptive use of water, monitoring, sampling, ground water, mixing zones, zones of discharge, leachate control programs, effluent limitations, air emission limitations or variances to water quality standards.

B. The certification shall be automatically modified to conform to subsequent DEP-issued amendments, modifications, or renewals made by DEP under any federally delegated or approved program of to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the Certified Facility.

C. In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

D. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

E. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A, must be accompanied by a map or aerial photo showing the proposed new boundaries of the Site and/or Certified Area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, or G, as appropriate.

[Section 403.516, F.S.; Rule 62-17.211, F.A.C.]

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XXIII. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES

The operation of the certified facility shall be in accordance with all applicable provisions of any state or local government regulation incorporated into these Conditions. All state and locally issued permits are intended to be incorporated herein, such that the Licensee shall comply with the substantive provisions and limitations set forth in those permits. The inadvertent omission of any state or locally issued permit/development order from these Conditions can be remedied by a modification of the Conditions to include provisions from the state or locally issued permit/order.

At any time following certification, should the Licensee become aware of any state or locally issued permit/order not included herein, the Licensee shall promptly notify the Siting Coordination Office for incorporation into these Conditions. Likewise, when the Department is made aware of any separately issued permits/orders that were inadvertently not included in the Conditions, the Conditions will be modified to incorporate the substantive provisions and limitations of any such permit/order.

XXIV. COASTAL ZONE CONSISTENCY

Pursuant to Sections 373.428 and 403.511, F.S., certification of the Certified Facility constitutes the State's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

[Sections 373.428, 380.23 and 403.511(7), F.S.]

XXV. TRANSFER OF CERTIFICATION

A. This certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of certification of all or part of the Certified Facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. The notice of intent shall identify the intended new certification holder or Licensee and the identity of the entity responsible for compliance with the certification. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all conditions of certification and applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the grounds of the inability of the new Licensee to comply with the conditions of certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. Upon approval, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of the Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate and maintain the Certified Facility in accordance with the Conditions of certification and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the requirements for transfer of certification, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

[Chapter 120, F.S.; Rule 62-17.211, F.A.C.]

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XXVI. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C. Standard Operating Procedures can be downloaded from the following website: <http://www.dep.state.fl.us/labs/qa/sops.htm>.

[Chapter 62-160, F.A.C.]

XXVII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the NED's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-343.900(1), or 62-346.900(1) and 62-312.900(1), as applicable.

These forms may: a) have been submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, a modification, or an amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable.

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after project approval and prior to construction) shall be processed in accordance with Section A. Condition XIX. Procedures for Post-Certification Submittals.

No construction shall commence on a Project feature, or in a particular segment for a linear facility, until the Department determines that there is a demonstration of compliance with these COC. For post-certification submittal reviews, the Department's determination is governed by Section A., Condition XIX. Procedures for Post-Certification Submittals, E. Determination of Compliance.

b. Concurrent with submittal of the DEP form required in Subparagraph A. 1. A., above the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department approval. Available DEP-approved wetland and surface water delineations within the boundaries of a Certified Facility or a portion thereof may be used and reproduced for this delineation submittal and verification.

[Section 373.416, F.S.; subsections 62-312, 62-343.070(2), paragraph 62-343.090(2)(b), and Form 62-343.900(1), F.A.C.]

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2. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Condition A.1.a. above, including plans or other supporting documentation, shall not be considered binding on the Department unless a specific condition of this license or a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Sections 373.421, and 403.504, F.S.]

B. Surface Water Management

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.A.C. following submittal of Form 62-343.900(1) as applicable, to the NED.

2. All construction, operation, and maintenance of the surface water management system(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the Application and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B. Any alteration or modification to the SWMS Plan or the surface water management system as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas immediately prior to, during construction of the surface water management system(s), and for the period of time after construction of the SWMS the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, 2007 by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) ("*Erosion and Sediment Control Designer and Reviewer Manual*") unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the *Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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4. The Licensee shall complete construction of all aspects of the surface water management system described in the DEP ERP Application Form, as part of a post-certification submittal, amendment, or modification, including water quality treatment features, and discharge control facilities prior to use of the portion of the Certified Facility being served by the surface water management system.

5. At least 48 hours prior to the commencement of construction of any new surface water management system authorized by this certification, the Licensee shall submit to the NED a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-343.900(3) or 62-346.900(3), F.A.C., as applicable), indicating the actual start date and the expected completion date. When the duration of construction will exceed one year, the Licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (DEP Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

6. Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of the portion of the Certified Facility being served by that portion or phase of the system.

7. Within 30 days after completion of construction of any new portions of the surface water management system, the Licensee shall submit to the Siting Office and NED a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification by a Registered Professional" (DEP Form 62-343.900(5) or 62-346.900(4), F.A.C., as applicable). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

8. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, may constitute grounds for revocation or enforcement action by the Department.

9. Prior to the operation of any new surface water management system, the Licensee shall submit to the Department a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (DEP Form 62-343.900(7), F.A.C.). The operation phase of any new surface water management system approved by the Department shall not become effective until the Licensee has complied with the requirements of these Conditions, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The DEP District ERP Section must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters of the state, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. Refer to Section A, Condition V. Department Permits Under Federal Programs, B. Water for possible applicable federal authorizations.

[Section 373.414, F.S.; Chapters 62-25, 62-302, 62-330, 62-343 62-346, and Rule 62-4.242, F.A.C.]

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C. Wetland and Other Surface Water Impacts

1. All Certified Facilities shall be constructed in a manner which will eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermissible activities under the Environmental Resource Permit review process pursuant to subparagraph.A.1, "Submittal for Construction Activities," above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition subparagraph A.1.a. "Environmental Resources" above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria, and monitoring plans and shall be incorporated into these Conditions and attached as Attachment C.

[Sections 373.413, 373.414, 373.4145, and 403.511, , F.S.; Chapters 62-330, 62-341 62-342, 62-343, 62-345, and 62-346, F.A.C.]

XXVIII. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee occur in or on the Certified Area.

[Sections 403.506(1)]

XXIX. FACILITY OPERATION

The Licensee shall properly operate and maintain the Certified Facilities and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Exceptions such as that during periods when natural gas or light oil is used for ignition, or as provided in 40 CFR 60 Subpart Da allow that the FGD system may be bypassed.

[subsection 62-4.160(6), F.A.C.]

XXX. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be kept at the Site.

B. Upon request, the Licensee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

C. The Licensee shall hold at the Site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the Application for this approval. These materials shall be retained at least three (3)

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years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

D. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and,
6. the results of such analyses.

[subsection 62-4.160(12) and paragraph 62-4.160(14)(b), F.A.C.]

XXXI. WATER DISCHARGES

A. Discharges

1. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted, the Licensee shall not discharge to surface or ground waters of the State wastes in concentrations which alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

2. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

3. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., and Rule 62-621.300, F.A.C.]

B. Wastewater Incident Reporting

1. The Licensee shall report to the appropriate district office any noncompliance with industrial wastewater requirements which may endanger health or the

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environment. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances.

The Licensee shall provide the following information, to the extent known, to the Southwest District Office in the 24-hr oral report:

- a. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
- b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
- c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
- d. Any unauthorized discharge to surface or ground waters.

A written submission shall also be provided within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The following shall be included as information which must be reported orally within 24 hours under this condition:

- a. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
- b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
- c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
- d. Any unauthorized discharge to surface or ground waters.

2. For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, to the extent known, shall provide the following information to the State Warning Point:

- a. Name, address, and telephone number of person reporting;
- b. Name, address, and telephone number of permittee or responsible person for the discharge;
- c. Date and time of the discharge and status of discharge (ongoing or ceased);
- d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);

SECTION A: GENERAL CONDITIONS

- e. Estimated amount of the discharge;
- f. Location or address of the discharge;
- g. Source and cause of the discharge;
- h. Whether the discharge was contained on-site, and cleanup actions taken to date;
- i. Description of area affected by the discharge, including name of water body affected, if any; and
- j. Other persons or agencies contacted.

3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[Chapter 403, F.S.; subsection 62-620.610(20), F.A.C.]

XXXII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable provisions of Chapter 62-701, F.A.C., for any solid waste generated within the Certified Facility during construction and/or operation.

[Chapters 62-701, F.A.C.]

B. Hazardous Waste

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the a Certified Facility. An EPA identification number must be obtained before beginning hazardous waste activities, except for Conditionally Exempt Small Quantity Generators (CESQGs) who are exempt from this regulation under Title 40 Code of Federal Regulations (CFR), §261.5. CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

[Chapter 62-730, F.A.C.]

C. Hazardous Substance Release Notification

1. Any owner or operator of a Certified Facility who has knowledge of any release of a hazardous substance from a facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (850) 488-1320, within one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

SECTION A: GENERAL CONDITIONS

[Chapter 62-150, F.A.C.]

XXXIII. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems within a certified area that store regulated substances shall be in accordance with Chapters 62-761 and 62-762, F.A.C., in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

A. Incident Notification Requirements.

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.451(2), F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

Upon discovery of an unreported discharge of a regulated substance, the owner or operator shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a Certified Facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). The Licensee is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

Storage tank systems shall be taken out-of-service and/or closed as necessary in accordance with Rules 62-761.800 and 62-762.801, F.A.C., as applicable.

[Chapters 62-761 and 62-762, F.A.C.]

SECTION B. SPECIFIC PLANT CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Solid Waste Landfill*

1. The proposed solid waste landfill area shall be monitored and studied pursuant to a detailed ground water testing and monitoring program as defined in Condition B.I.B. below. The results of the program will be used by the Department in determining whether JEA has affirmatively demonstrated that Florida water quality criteria (Chapter 62-302, F.A.C.) will not be violated.

2. JEA may implement a test program to demonstrate the quality and quantity of leachate from an unlined or uncontrolled waste facility. During the testing program, JEA shall either provide an impermeable liner under the solid waste disposal areas or shall utilize a chemical fixation process, stabilization or other approved methods to control leachate from the solid waste. Upon an affirmative showing that an uncontrolled solid waste facility will not cause violation of ground water quality criteria, the Department may approve use of non-lined or uncontrolled landfill cells.

3. JEA shall utilize solid waste disposal area "B", north of Island Drive, or the area previously designated for the bottom ash pond, prior to using disposal area "A". The delineated Recovered Screen Material (RSM) shall not be removed or distributed. In the event there is a need to disturb the RSM or utilize the landfill material in the location associated with the RSM, the RSM shall be re-addressed with the DEP prior to any action.

4. Construction of perimeter berms shall be in conformance with the provisions of Chapter 62-672, F.A.C., regarding earthen dams.

5. Prior to the commencement of operation of solid waste disposal area the following shall be submitted to the Director of DEP's Northeast District Office for review and approval:

a. Plot plan - should be drawn on a scale not greater than 200 ft. to the inch showing the following:

- (1) Dimensions and legal description of the site.
- (2) Location and depth corrected to MSL of soil borings.
- (3) Proposed trenching plan.
- (4) Cover stock piles.
- (5) Fencing or other measures to restrict access.
- (6) Cross sections showing both original and proposed fill elevation.
- (7) Location, depth corrected to MSL, and construction details of monitoring wells.

b. Design Drawings and Maps - may be combined with plot plan and should be drawn on a scale not greater than 200 ft. to the inch showing the following:

- (1) Topographic map with five foot contour intervals.

SECTION B: PLANT SPECIFIC CONDITIONS

- (2) Proposed fill area.
 - (3) Borrow area.
 - (4) Access roads.
 - (5) Grades required for proper drainage.
 - (6) Typical cross sections of disposal site including lifts, borrow area and drainage controls.
 - (7) Special drainage devices.
- c. Soil map, interpretive guide sheets, and a report giving the suitability of the site for such an operation.
 - d. Contingency plan, including waste handling and disposal methods, in case of an emergency such as equipment failure, natural disaster or fire.
 - e. Operation plans to direct and control the use of the site including procedures to isolate and protect RSM.
 - f. An indication by discussion or drawings or both of how the site is designed to meet water quality standards of Chapter 62-302, F.A.C., at the boundary of the zone of discharge.
 - g. Based on the Department's reviews of the above, additions to or modifications of the overall monitoring program may be required for monitoring of runoff, ground waters, and surface waters which may be affected by the various landfilling operation.
 - h. The Department shall indicate its approval or disapproval of the submitted plans, drawings, maps, analyses and contingency plans within 60 days.

B. Solid Waste Ground Water Monitoring

1. Ground water monitoring is required around all solid waste landfill sites. The Licensee shall install a solid waste ground water monitoring well network to monitor the water quality of the surficial aquifer around each site, in accordance with applicable provisions of Chapter 62-520, F.A.C.
2. For the existing solid waste ground water monitoring program, the Licensee shall submit an updated Solid Waste Ground Water Monitoring Plan to DEP's Siting Office and to the Solid Waste Section of DEP's Northeast District Office within 90 days of the date that Modification P becomes final or such other date as the Licensee and NED agree. This plan shall include a list of all existing monitor wells, a location map of monitor wells, construction details of monitor wells with top of well casing and land surface elevations, latitude and longitude (in degrees, minutes, seconds) of each monitor well, a list of all monitoring and field parameters. The Solid Waste Ground Water Monitoring Plan shall be submitted for review and approval through the post-certification process referred to in Condition XX, Procedures for Post-Certification Submittals, and attached to the Conditions as Attachment D-1.
3. For any new solid waste disposal area, an updated Solid Waste Ground Water Monitoring Plan showing the monitor well locations and designs shall be submitted to the NED for review and approval at least 12 months prior to operation of any new solid waste disposal area. The plan shall be submitted for review and approval pursuant to the post-

SECTION B: PLANT SPECIFIC CONDITIONS

certification process referred to in Condition XX, Procedures for Post-Certification Submittals, and attached to the Conditions as Attachment D-1. In addition to the items for the existing plan, the updated plan for any new solid waste disposal area shall include seasonal ground water depths and flow directions at the disposal area through the preparation of seasonal water table contour maps, based upon water level data obtained during the Licensee's preoperational monitoring program. From these maps, the ground water monitoring well network will be located. Any changes or updates to the existing Solid Waste Ground Water Monitoring Plan shall be submitted to the Siting Coordination Office with a copy to the DEP Solid Waste Section of the NED for review and approval pursuant to Condition XX, Procedures for Post-Certification Submittals, prior to implementation. The approved revised plan will replace the existing plan attached to these conditions as Attachment D-1.

4. Ground water samples shall be collected on a semi-annual basis in accordance with DEP SOPs for ground water sampling. All correspondence, reports, plans, and summaries pertaining to ground water monitoring pursuant to this condition shall be submitted to the Solid Waste Section of the NED with a copy to DEP's Siting Office.

C. Blount Island Materials Unloading Facility

Area drainage and rainfall runoff from the lined coal pile on Blount Island shall be directed to a lined treatment system designed to process the runoff from the 24-hour, ten-year storm. Wastewater treatment shall consist of, as a minimum, removal of solids and metals by precipitation and sedimentation, followed by pH adjustment to no less than 8.0 and final disposal by percolation. Sufficient capacity shall be provided to allow for accumulation of settled solids of up to 20 percent of the total pond volume. Solids removed from the sedimentation pond shall be disposed in a properly designed landfill.

The sedimentation pond liner shall be impervious and designed for the life of the facility. The liner shall be installed in such a manner as to prevent rupture during cleaning or removal of solids.

D. Materials Conveyor Construction

1. No construction on sovereign submerged lands shall commence without the licensee first obtaining a lease, easement or title from the Department of Environmental Protection and/or Trustees of the Internal Improvement Trust Fund.

2. Construction of the conveyor system, access road and railroad berm shall be done in a manner to minimize erosive loss of sediments to waters of the State. All applicable erosion control methods, including but not limited to, staked hay bales, silt fences, floating silt curtains, and sodding, seeding and mulching of slopes, shall be used at the work sites. Sampling for turbidity shall be carried out by JEA on a once daily basis for background, and twice daily (once in the morning and once in the afternoon) for compliance. Samples shall be taken at a point not less than 500 meters from the work site for background and 50 meters waterward of the last erosion control device for compliance.

3. All monitoring data shall be submitted within one week of analysis with documents containing the following information: (1) certification number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) a statement by the

SECTION B: PLANT SPECIFIC CONDITIONS

individual responsible for implementation of the sampling program describing the authenticity, precision, limits of detection and accuracy of the data.

4. Monitoring reports shall also include the following information for each sample that is taken:

- a. Time of day samples taken;
- b. Water temperature (degrees Celsius);
- c. Salinity;
- d. Depth of water body;
- e. Depth of sample;
- f. Antecedent weather conditions;
- g. Tidal stage and direction of flow; and
- h. Wind direction and velocity.

i. If the monitoring reveals apparent violations of State Water Quality Standards for turbidity (29 Nephelometric Turbidity Units above background), construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department of Environmental Protection, Northeast District, Jacksonville, Florida.

j. Monitoring reports shall be submitted to the Department of Environmental Protection, Northeast District, Jacksonville, Florida. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

5. Mitigation of lost wetland areas shall be accomplished by:

a. A 2:1 replacement of the 0.47 acres of wetlands to be filled, resulting in 0.94 acres of wetland replacement. An old spoil area at the Northside Generating Station (adjacent to a newly created 0.5 acre wetland area created as mitigation for fill associated with the SJRPP intake structure) shall be excavated down to appropriate wetland elevations to allow for natural re-vegetation by *Spartina alterniflora*. Appropriate drawings showing location and elevations shall be furnished to the Department. If re-vegetation does not occur naturally within 18 months, JEA shall seed or plant *Spartina alterniflora* at this site.

b. The existing culverts along the railroad berm north of Heckscher Drive shall be cleaned out to restore flow to their full capability. This shall include extending culverts, as necessary, so that the eastern culvert opening would be beyond the eastern side slope of the berm. If the condition of any existing culvert does not allow its full flow to be restored, it shall be replaced.

c. The side slope gradients along the railroad berm and conveyor system access road shall be 2:1.

E. Materials Conveyor System

JEA shall submit to DEP information concerning location, design, construction and operation of any materials conveyor system from Blount Island to the main plant site at least

SECTION B: PLANT SPECIFIC CONDITIONS

120 days prior to construction of the materials conveyor system. The Secretary of DEP shall indicate DEP's approval or disapproval within 90 days of receipt. DEP may also impose reasonable conditions on the construction and operation of this conveyor system. These conditions may impose appropriate restrictions on construction, operation and maintenance of the materials conveyor system in order to comply with applicable nonprocedural standards of any agency. DEP's decision shall be final unless further review is timely sought by any party pursuant to Section 120.57 or Section 403.516, Florida Statutes. The DEP may retain up to \$10,000.00 of the unexpended application fee to assist in the review of this materials conveyor.

F. Potable Water Supply System

The potable water supply system shall be designed and operated in conformance with Chapter 62-555, F.A.C. Information as required in Chapters 62-550 and 62-555, F.A.C., shall be submitted to the Department prior to construction and operation. The operator of the potable water supply system shall be certified in accordance with Chapter 62-699, F.A.C.

G. Industrial Wastewater Ground Water Monitoring

1. Ground water monitoring is required around all industrial wastewater sites. The Licensee shall install an industrial wastewater ground water monitoring well network to monitor the water quality of the surficial aquifer around the coal pile storage area, lined wastewater basins and lined sedimentation ponds, in accordance with Chapter 62-520, F.A.C.

2. For the existing industrial wastewater ground water monitoring program, the Licensee shall submit an updated Industrial Wastewater Ground Water Monitoring Plan to the Ground Water Section of NED and the DEP's Siting Office within 90 days after the date modification P becomes final or such other date as the Licensee and NED agree. This plan shall include a list of all existing monitor wells, a location map of monitor wells, construction details of monitor wells with top of well casing and land surface elevations, latitude and longitude (in degrees, minutes, seconds) of each monitor well, a list of all monitoring and field parameters, and frequency of monitoring for each parameter. The existing plan shall be reviewed and approved through the post-certification process referred to in the "Procedures for Post-Certification Submittals" Condition, and attached to the Conditions as Attachment D-2.

3. For any new industrial wastewater sites, an updated Industrial Wastewater Ground Water Monitoring Plan showing the monitor well locations and designs shall be submitted to the DEP offices for review at least 90 days prior to operation of any new industrial wastewater sites. The plan shall be reviewed and approved through the post-certification process referred to in the "Procedures for Post-Certification Submittals" Condition, and attached to the Conditions as Attachment D-2. In addition to the items for the existing plan, the updated plan shall include seasonal ground water depths and flow directions at the site through the preparation of seasonal water table contour maps, based upon water level data obtained during the Licensee's preoperational monitoring program. From these maps, the ground water monitoring well network will be located. The ground water monitoring program shall be implemented prior to operation of any new industrial wastewater site. Any changes or updates to the existing Industrial Wastewater Ground Water Monitoring Plan shall be submitted to the Ground Water Section of the NED with a copy to the DEP's Siting office for review and approval pursuant to the "Procedures for Post-Certification Submittals" Condition, prior to implementation. The approved revised plan will replace the existing plan attached to these conditions as Attachment D-2.

SECTION B: PLANT SPECIFIC CONDITIONS

5. The Licensee shall give at least 72-hours notice to the NED, prior to the installation of any monitoring wells.
6. Prior to construction of ground water monitoring wells, a soil boring shall be made at each monitoring well location in order to properly determine the well depth and screen interval.
7. All monitoring wells shall be constructed and developed in accordance with the DEP's guidelines referenced in Chapter 62-520, F.A.C. and installed by a licensed water well contractor.
8. All piezometers and monitoring wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless future use is intended.
9. Within 90 days of the date that modification P becomes final or such other date as the Licensee and NED agree and once every five years thereafter, the Licensee shall conduct an expanded sampling of existing monitoring wells MWI-B4 and MWC-C3, for the primary and secondary drinking water parameters included in Chapter 62-550, Tables 1, 4, 5 and 6, (excluding asbestos, pesticides). All analytical results from this expanded sampling shall be submitted to the NED within 90 days following the sampling event.
10. If the NED determines that the monitoring results for the parameters listed in the approved plan indicate an abnormally increasing trend in any of the compliance wells or intermediate wells, the Licensee shall meet with the NED to discuss and formulate a plan for additional assessment and monitoring, if necessary.
11. If the concentration of a monitoring constituent in the natural background ground water quality is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative background quality shall be the prevailing standard.
12. Water levels shall be recorded before evacuating each well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NAVD allowable) at a precision of plus or minus 0.01 foot.
13. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples.
14. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the DEP's Northeast District Office as being more representative of ground water conditions.
15. If any monitoring well becomes damaged or inoperable, the Licensee shall notify the NED immediately and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence. All monitoring well design and replacement shall be approved by the NED prior to installation.
16. The Licensee shall ensure that all monitor well sampling is performed in accordance with the DEP's Standard Operating Procedures Manual for Field Sampling, and shall conform to the applicable Quality Assurance/Quality Control requirements of Chapter 62-160, F.A.C.

SECTION B: PLANT SPECIFIC CONDITIONS

17. The Licensee shall ensure that all monitor well samples are analyzed by a certified laboratory that meets the requirements of Chapter 62-160, F.A.C. Minimum detection limits shall be at or below the ground water standards and/or criteria.

18. All correspondence, reports, plans, and summaries pertaining to ground water monitoring shall be submitted to the Ground Water Section of the NED with copies to the DEP's Siting Office.

H. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department and appropriate local health agency. Any sewage treatment plant shall be operated in accordance with Rule 62-600, F.A.C.

I. Environmental Control Program

An environmental control program shall be established under the supervision of a qualified person to assure that all construction activities conform to good environmental practices and the applicable conditions of certification.

J. Construction Dewatering Effluent

Construction dewatering effluent shall be treated when appropriate to limit surface water discharges of suspended solids to no more than 50 mg/l. The discharge of construction dewatering liquids shall not cause turbidity in excess of 29 Nephelometric Turbidity Units above ambient beyond a 20 meter radius from the point of discharge. Weekly grab samples will be collected and analyzed for suspended solids.

K. Variances

1. Variances to the provisions of Rule 62-302.530(40), F.A.C., for lead and Rule 62-302.530(60), F.A.C., for silver for a period to exceed a cumulative total of twelve months commencing on the start of dredging activities are granted in accordance with Sections 403.201(1)(c) and 403.511(2), F.S., at the materials unloading facility wharf site on Blount Island. Concentrations at the boundary of a 150 meter radius mixing zone shall not exceed the following:

Lead	62.0 µg/l
Silver	6.1 µg/l

2. Variances to the provisions of Rule 62-302.530(16), F.A.C., for cadmium, Rule 62-302.530(40), F.A.C., for lead, Rule 62-302.530(42), F.A.C., for mercury, and Rule 62-302.530(60), F.A.C., for silver, are granted pursuant to the provisions of Sections 403.201(1)(c) and 403.511(2), F.S., at the spoil area site overflow for a period not to exceed a cumulative total of twelve months starting with commencement of dredging activities. Concentrations at the boundary of a 150 meter radius mixing zone shall not exceed the following:

Cadmium	8.2 µg/l
Lead	62.0 µg/l
Mercury	0.2 µg/l
Silver	6.1 µg/l

SECTION B: PLANT SPECIFIC CONDITIONS

L. Mixing Zones

During dredging activities, including maintenance, mixing zone radii are designated for the following parameters:

Parameter	Distance to Edge of Mixing Zone (m)
Aluminum	150
Antimony	18
Cadmium	150
Copper	150
Cyanide	19
Iron	150
Lead	150
Mercury	150
Oil and Grease	25
Silver	150

M. Maintenance Dredging

Maintenance dredging shall be performed in accordance with the preceding requirements and limitations of Conditions B.I.K. and B.I.L. above.

N. Transformer and Electric Switching Gear

The foundations for transformers, capacitors, and switching gear necessary to connect SJRPP Units 1 & 2 to the existing distribution system shall be constructed in such a manner as to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances.

O. Zone of Discharge

The solid waste landfills, sludge disposal test cells, coal storage piles, wastewater treatment ponds, or sedimentation ponds shall not contaminate waters of the State (including both surface and ground waters) in excess of the limitations of Chapters 62-302 and 62-520, F.A.C. beyond the boundary of a zone of discharge extending to a depth of 90 feet below the waste landfill cell or pond at a horizontal distance of 200 feet from the edge of the landfill or ponds; provided that DEP may provide a larger zone of discharge if warranted by the solid waste test program.

II. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. The following archaeological sites shown in Figure 2 shall be preserved whenever practical. If they must be altered by construction, then archaeological salvage

SECTION B: PLANT SPECIFIC CONDITIONS

excavation shall be performed prior to construction under the supervision of DHR whose contact information is R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333.

Site -	8Du669	8Du670
	8Du671	8DU673
	8Du674	8Du675
	8Du677	8Du678

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Facility, the Licensee shall notify the NED and the DHR and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531 and 872.02, F.S.]

III. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Only herbicides registered by the U.S. Environmental Protection Agency and the Florida Department of Agriculture and Consumer Services shall be used at certified facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Chapter 487, F.S.]

IV. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

A. General

1. The use of ground water from the well field for plant service water for SJRPP shall be minimized to the greatest extent practicable, but in no case shall exceed 7.6 mgd on a maximum daily basis from any new wells or 5.1 mgd on an average annual basis.

2. The use of ground water for the coal unloading facility shall in no case exceed 725,700 gallons per day on a maximum daily basis and 107,500 gallons per day on an average annual basis.

B. Ground Water Monitoring

1. The ground water levels shall be monitored continuously at selected wells as approved by the St. Johns River Water Management District. Chemical analyses shall be made on samples from all monitored wells identified in Condition III.G., below. The location, frequency and selected chemical analyses shall be as given in Condition III.G.

2. The ground water monitoring program shall be implemented at least one year prior to operation of SJRPP Unit 1. The chemical analyses shall be in accord with the latest edition of *Standard Methods for the Analysis of Water and Wastewater*. The data shall be submitted within 30 days of collection/analysis to the St. Johns River Water Management District and to the DEP's Northeast District Office.

SECTION B: PLANT SPECIFIC CONDITIONS

C. Well Criteria

The submission of well logs, test results, and location, design and construction of wells to provide plant and coal unloading facility service water shall be in accordance with applicable rules of the Department of Environmental Protection and the St. Johns River Water Management District (SJRWMD). Total water use per month shall be reported quarterly to SJRWMD commencing with the start of construction.

D. Well Withdrawal Limits

Reclaimed water may be used for the purpose of irrigation. Following the issuance of a watershed permit (which includes SJRPP), reclaimed water shall be used in the Flue Gas Desulfurization Systems (FGDS) unless reclaimed water is unavailable, identified for a more beneficial use, and/or the quality results in the inability to utilize for irrigation and/or in the FGD. JEA is authorized to make a combined average annual withdrawal for plant service water for SJRPP of 5.1 million gallons of water per day with a maximum combined withdrawal rate not to exceed 7.6 million gallons during a single day. Withdrawals may be made from a well field consisting of up to four (4) wells whose approximate locations are described in Figure 1.

JEA is authorized to make an average annual withdrawal for the coal unloading facility of 60,000 gallons of water per day with a maximum withdrawal rate not to exceed 200,000 gallons during a single day. Withdrawals may be made from either of two wells whose approximate locations are described in Figure 3.

After wells have been constructed, St. Johns River Water Management District may evaluate the individual wells and may recommend to the Department authorization of different withdrawals based upon hydrologic characteristics for the individual wells. The Department, pursuant to Section 403.516, F.S., may modify the above withdrawal limitations with the concurrence of SJRWMD and the licensee.

E. Water Use Restriction

Said water is restricted to uses other than main steam condensing. Any change in the use of said water will require a modification of this condition.

F. Emergency Shortages

In the event an emergency water shortage should be declared pursuant to Section 373.175 or 373.246, F.S., by St. Johns River Water Management District for an area including the location of these withdrawal points, the Department pursuant to Section 403.516, F.S., may alter, modify, or declare to be inactive, all or parts of Condition V. A.-F.

G. Monitoring and Reporting

JEA shall, within the time limits hereinafter set forth, complete the following items:

1. JEA shall install a flow meter for the plant production well field and coal unloading facility well and will maintain pump logs for operation of each production well in compliance with SJRWMD specifications on all production wells.

2. JEA shall submit to SJRWMD, on forms available from the District, a record of pumpage for each meter installed in F.1. above. Said pumpage shall be

SECTION B: PLANT SPECIFIC CONDITIONS

provided on a monthly basis, and shall be submitted by April 15, July 15, October 15, and January 15 for each preceding calendar quarter.

3. JEA shall maintain and operate a continuous water level recorder on the standby production well located at the test site in Duval County, Florida. Detailed hydrographs of water level fluctuations shall be constructed with the data collected from the water level recorder and shall be submitted to SJRWMD by April 15, July 15, October 15, and January 15 for each preceding calendar quarter.

4. Water quality analysis shall be performed on water withdrawn from each production well. The water samples collected from each of the wells shall be collected immediately after removal by pumping of a quality of water equal to at least two casing volumes. The JEA and staff of SJRWMD may determine and adjust the intervals to be monitored in accordance with hydrologic conditions determined from drilling logs. The water quality analyses shall be performed monthly during the first year of operation, quarterly during the second year and twice each year (May and September) thereafter. Results shall be submitted to SJRWMD and the City of Jacksonville Environmental Quality Division (CJEQD) within 45 days after following such analyses were performed. Testing for the following parameters is required:

a. When Drilled:

Bicarbonate, Calcium, Chloride, Gross Alpha, Magnesium, Nitrate, Potassium, Radiation, Radium 226 (only if gross alpha is greater than 15 pci/l), Sodium, Specific Conductance, Sulfate, Total Dissolved Solids, Total phosphate.

b. During Operation:

Chloride, Nitrate, Specific Conductance, Sulfate, and Total Dissolved Solids.

5. In the event that SJRWMD or CJEQD determines there is a significant change in the water quality (substantially caused by SJRPP and causing a potentially significant effect on water use), they may propose pursuant to Section 403.516, F.S., that the licensee be required to reduce or cease withdrawal from these ground water sources and that additional parameters be monitored.

6. Minimum Water Level Restrictions for Floridan Production Wells

If the SJRWMD at a future date establish a minimum water level of general applicability to all users in the aquifer or aquifers hydrologically associated with these withdrawals, they may propose pursuant to Section 403.516, F.S. that JEA reduce or cease withdrawal from these ground water sources at times when water levels fall below these minimums.

After consultation with the SJRWMD, JEA shall install a monitoring well network to monitor ground water quality horizontally and vertically through to the top of the Hawthorne Formation's first clayey lithologic unit.

SECTION B: PLANT SPECIFIC CONDITIONS

V. DUVAL COUNTY

A. *Flood Control Protection*

The plant and associated facilities shall be constructed in such a manner as to comply with the Duval County flood protection requirements.

VI. NOISE

To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, JEA shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise.

VII. SCREENING

The Licensee shall provide screening of the Site to the extent practicable through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation.

SECTION C. SPECIFIC TRANSMISSION LINE CONDITIONS

I. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY

A. Replacement of all or a portion of a transmission line(s) that is necessary to restore system integrity following an emergency as defined by Sections 252.34(6), (7) or (9), F.S., and requiring deviation from any condition of certification shall not be considered a modification pursuant to Section 403.516, F.S. A verbal report of the emergency replacement for restoration of system integrity shall be made to the Department as soon as possible. Within 30 days after correction of the emergency condition requiring a replacement for system integrity, a report to the Department shall be made outlining the details of the emergency condition requiring the replacement and the steps taken for its relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

B. The Department will use its enforcement discretion when evaluating violations that result from operating the Certified Facility under emergency conditions. During and after the emergency conditions, the Licensee must use due diligence to bring the facility back into compliance as soon as possible. In addition, the Licensee must use its best efforts and best management practices to minimize adverse environmental impacts. The Licensee shall notify the Siting Coordination Office (SCO) and the NED when the emergency condition has ended. Furthermore, the Licensee must include all monitoring data, which would otherwise be required under normal operating circumstances, recorded during emergency conditions when submitting reports as required by these conditions. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 403.511, F.S.]

II. ROW ACTIVITIES

A. Placement of fill in wetland areas shall be minimized by spanning such areas with the maximum span practicable.

B. The Department may determine that any fill required in wetlands for construction but not required for maintenance purposes shall be removed and the ground restored to its original contours after transmission line placement.

C. Where fill in wetlands is necessary for access, keyhole fills from upland areas should be oriented as nearly parallel to surface water flow lines as possible.

D. Sufficient size and number of culverts or other structures shall be placed through fill causeways to maintain substantially unimpaired sheet flow.

E. Any necessary water quality certifications which must be made to the Corps of Engineers for water crossings not identified in the applications in this proceeding shall be made at the time of a finding of compliance for specific work at specific locations.

F. Construction activities should proceed as much as practicable during the dry season.

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

G. Maintenance roads under control of the licensee shall be planted with native species to prevent erosion and subsequent water quality degradation where drainage from such roads would impact waters of the State significantly.

H. Good environmental practices such as described in Environmental Criteria for Electric Transmission Systems as published by the U.S. Department of Interior and the U.S. Department of Agriculture shall be followed to the extent practicable.

I. Compliance with the most recent version of the National Electric Safety Code adopted by the Public Service Commission is required.

J. Fences running parallel to the transmission line which may become conductive shall be grounded at appropriate intervals; fences running perpendicular to the line shall be grounded at the edge of the right-of-way.

III. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Where suitable habitat is present, field reconnaissance of rare and endangered species shall be performed in order to minimize impact on these species.

IV. VEGETATION

A. Vegetative clearing operations for maintenance purposes to be carried out within the corridor shall follow the general standards for clearing right-of-way for overhead transmission lines.

B. The right-of-way shall be located so as to minimize impacts in or on stream beds, such as the removal of vegetation, to the extent practicable. Within 25 feet of the banks of any streams, rivers, or lakes, vegetation shall be left undisturbed, except for selective topping of trees or removal of trees which topping would kill. If it is necessary to remove such trees within 25 feet of the banks of streams, rivers, or lakes, the root mat shall be left undisturbed.

C. Selective clearing of vegetation is preferred over clearing and grubbing or clear cutting.

D. For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 7 of the Florida DOT Utility Accommodation Manual shall serve as guidelines for best management practices.

V. ELECTRIC AND MAGNETIC FIELDS

Any certified transmission lines and electric substations shall comply with the applicable requirements of Chapter 62-814, F.A.C.

[Chapter 62-814, F.A.C.]

VI. ARCHAEOLOGICAL SITES

Any archaeological sites discovered during construction of the transmission lines shall be disturbed as little as possible and such discovery shall be communicated to the Department of State, Division of Archives, History and Record Management (DAHRM). Potentially affected areas will be surveyed, and if a significant site is located, the site shall be avoided, protected, or excavated as directed by DAHRM.

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

VII. DEPARTMENT OF TRANSPORTATION

For all locations where the transmission line will cross State highways, the applicant will submit materials pursuant to the Department of Transportation's (DOT) "Utility Accommodation Guide" to DOT's district office for review and approval. All applicable regulations pertaining to roadway crossings by transmission lines shall be complied with.

History Notes

Certification issued 06/29/82; signed by Governor Graham
Modified 09/18/86; signed by Secretary Tschinkel
Modified 11/21/86; signed by Secretary Tschinkel
Modified 07/21/87; signed by Secretary Twachtman
Modified 01/31/92; signed by Secretary Browner
Modified 06/24/92; signed by Secretary Browner
Modified 04/14/94; signed by Secretary Wetherell
Modified 05/19/95; signed by Secretary Wetherell
Modified 08/02/96; signed by Secretary Wetherell
Modified 10/04/96; signed by Secretary Wetherell
Modification Correction 10/29/96; signed by Secretary Wetherell
Modified 12/31/97; signed by Secretary Wetherell
Modified 04/12/00; signed by Deputy Secretary Green
Modified 05/17/01; signed by Deputy Secretary Green
Modified 08/29/05; signed by Siting Administrator Oven
Modified 03/08/07; signed by Siting Administrator Halpin
Modified 03/16/09; signed by Siting Administrator Halpin
Modified 12/23/09; signed by Siting Administrator Halpin
Modified XX/XX/12; signed by Siting Administrator Mulkey